

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

ROBERT L. HOLBROOK, et. al.,

Plaintiffs,

v.

THERESA JELLEN, et. al.,

Defendants.

CIVIL ACTION NO. 3:14-CV-00028

(JUDGE CAPUTO)

(MAGISTRATE JUDGE SAPORITO)

**ORDER**

NOW, this 3<sup>rd</sup> day of October, 2017, upon review of the Report and Recommendation ("R&R") of Magistrate Judge Saporito (Doc. 125) for plain error or manifest injustice, **IT IS HEREBY ORDERED** that Magistrate Judge Saporito's R&R is **ADOPTED in its entirety**:

- (1) Defendants' Motion for Partial Summary Judgment (Doc. 84) is **GRANTED in part and DENIED in part.**
  - (a) **JUDGMENT** is entered in favor of Defendants with respect to all damages claims under **Counts I, III(d), IV, and VII** of the Second Amended Complaint.
- (2) Plaintiffs' Motion for Partial Summary Judgment (Doc. 95) is **GRANTED in part and DENIED in part.**
  - (a) **JUDGMENT** is entered as to liability in favor of Plaintiffs with respect to all damages claims under **Counts II, III(a), III(b), and VI** of the Second Amended Complaint
- (3) Plaintiffs' claims for prospective injunctive relief are **DISMISSED as moot.**
- (4) **Count VIII** of the Second Amended Complaint is **DISMISSED with prejudice** for failure to state a claim upon which relief can be granted.
- (5) **JUDGMENT** is entered in favor of Defendants with respect to any damages claims against Defendants in their official capacities.
- (6) This case is placed on the December 2017 Trial List. A pre-trial order will follow.

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/s/ A. Richard Caputo  
A. Richard Caputo  
United States District Judge